

### **REMARKS/ARGUMENTS**

Claims 1-27 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,449,658 (Lafe et al.). Reconsideration of the rejection of claims 1-27 is respectfully requested.

Claim 1 recites a method for forwarding data across a network that includes assigning a priority level to the data and selecting the data for data compression responsive to the priority level. Claim 1 further recites that the priority level is associated with a delay tolerance of the data.

It is respectfully submitted that Lafe et al. do not teach assigning a priority level associated with a delay tolerance to data and selecting data for data compression responsive to the priority level. Lafe et al. disclose a method of using data compression to accelerate data through communication networks. The data is compressed using either lossy or lossless compression methods. Since lossy compression results in higher compression ratios than lossless compression, it is the preferred method to use to accelerate data through the network. However, in order to protect certain types of data from loss during compression, Lafe et al. also use lossless compression. For example, lossy compression is used for video and audio, while lossless compression is used for non-media objects, such as text. Lafe et al. use a quality level (Q) which is selected by the user to identify the type of compression to be used on the data. The Q rating of Lafe et al. does not correspond to a priority level associated with a delay tolerance of data. The selection of compression method (i.e., lossless or lossy) is based only on the desired quality of the uncompressed data.

Applicant's invention, as set forth in the claims, is particularly advantageous in that it takes advantage of the capacity increasing capabilities of data compression technology, while protecting delay sensitive traffic or other high priority traffic from the adverse consequences of compression processing calculations.

In contrast to applicant's invention, Lafe et al. are not concerned with how long the compression takes (i.e., delay introduced due to compression time). In the system of Lafe et al., text and similar data is considered "high priority" data which receives a high Q rating (i.e.,  $Q=100$ ) because a high quality of reproduction of the data is desired. Thus, the "priority" level assigned to data is based strictly on the quality of the reconstructed data.

In the Response to Amendment section of the Office Action dated August 19, 2005, the Examiner refers to QoS and cites U.S. Patent 5,541,919 (Yong et al.) as relating QoS (Quality of Service) to delay tolerances. However, Lafe et al. do not use QoS to select a compression method. Instead Lafe et al. refer to a quality level Q which relates only to the desired quality of the reconstructed data (i.e., how much data is loss during compression and decompression) and not the QoS of data transmitted over the network.

Furthermore, the Examiner states that priority levels are inherently tied to delay tolerances. Priority is tied to delay tolerance as it relates to which type of traffic passes through the network first. For example, delay is typically intolerable for high priority traffic (e.g., real time voice or video communication). Lafe et al., however, do not use "priority" in this manner. The Q rating of Lafe et al. is based on the desired quality of the decompressed data and not on the delay of high or low priority traffic as it passes through the network. In fact, Lafe et al assign a high Q to text, which is typically considered low priority data with respect to network delay.

Accordingly, claim 1 is submitted as not anticipated by Lafe et al.

Claims 2-9 each depend either directly or indirectly from claim 1 and are, therefore, each believed to be allowable over Lafe et al. for at least the reasons set forth above with respect to claim 1. Each of these dependent claims recites additional limitations which, when considered in light of claim 1, are believed to further distinguish the claimed invention over the art of record.

Claim 2 is further submitted as patentable over Lafe et al. which do not disclose compressing data only if the priority level is below a threshold. The accelerator server of Lafe et al. selectively performs a lossy or lossless compression. All data is compressed regardless of the Q rating.

With respect to claim 5, Lafe et al. do not teach determining a compression level based on network congestion. In rejecting claim 5, the Examiner refers to the Background of the Invention in the Lafe et al. patent, and specifically col. 1, lines 51-57. This section of the patent discusses how low speed communication links between the client and ISP slow data transfer rates. Lafe et al. address this issue by compressing data. Lafe et al. selectively employ lossless or lossy compression methods based on a desired quality of decompressed data (as compared to the original data). As previously discussed, the type of compression is selected strictly based on desired quality level. Lafe et al. are not at all concerned with network congestion and the congestion level does not change the type of compression selected for the data. Claim 5 is therefore submitted as patentable over Lafe et al.

Claim 7 is further submitted as patentable over Lafe et al. for the reasons discussed above with respect to claims 2 and 5.

As each of independent claims 10, 11, 16, and 25-27 recite a priority level that is associated with a delay tolerance of data or packets, each of claims 10, 11, 16, and 25-27 is submitted as patentable over Lafe et al. for the reasons discussed above with respect to claim 1. Each of these independent claims, in addition to any dependent claims which depend from the independent claims, include additional limitations which are believed to further distinguish the claimed invention over the art of record.

Claims 13 and 20 are further submitted as patentable for the reasons discussed above with respect to claim 5.

Claim 17 is further submitted as patentable for the reasons discussed above with respect to claim 2.

Claim 22 is further submitted as patentable for the reasons discussed above with respect to claim 7.

For the foregoing reasons, Applicant believes that all of the pending claims are in condition for allowance and should be passed to issue. If the Examiner feels that a telephone conference would in any way expedite the prosecution of the application, please do not hesitate to call the undersigned at (408) 399-5608.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'C. Kaplan', with a long horizontal stroke extending to the right.

Cindy S. Kaplan  
Reg. No. 40,043

P.O. Box 2448  
Saratoga, CA 95070  
Tel: 408-399-5608  
Fax: 408-399-5609